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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 JASON FORTNEY,

11 Plaintiff,

12 v.

13 DUANE LANE'S AUTO GROUP LONG  
14 TERM DISABILITY PLAN,

15 Defendant.

Case No. C08-0298RSL

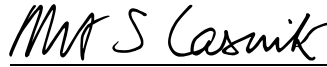
ORDER DENYING MOTION FOR  
DESIGNATION OF A MEDIATOR

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17 This matter comes before the Court on plaintiff's motion for the Court to designate a  
18 mediator for this case pursuant to Local Rule 39.1(c)(3). Plaintiff states that despite diligent  
19 efforts, the parties have been unable to reach an agreed settlement of this matter. Plaintiff seeks  
20 the appointment of a mediator because he "is not in a position to pay the fees required by a  
21 commercial mediator." Motion at p. 2. Defendant does not oppose the motion.

22 Plaintiff requests that the Court designate a mediator from the Court's register to serve  
23 without compensation in this matter. However, Local Rule 39.1(c)(3) states that plaintiff should  
24 "apply to the court for the designation of a mediator" only if the parties cannot agree to the  
25 selection of a mediator. There is no indication that the parties have failed to agree to a mediator.  
26 Accordingly, plaintiff's motion for the appointment of a mediator (Dkt. #9) is DENIED.

1 Instead, the parties should attempt to agree upon the selection of a mediator from the register  
2 that best suits the needs of their case. Counsel should contact the selected mediator directly.  
3 Attorney neutrals on the list maintained by the Clerk of the Court have agreed to serve as  
4 neutrals on a *pro bono* basis when appropriate. The parties may refile a motion to appoint a  
5 mediator only if they are unable to agree on a mediator or if they are unable to locate an attorney  
6 from the register willing to serve in that capacity.

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8 DATED this 3rd day of November, 2008.  
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12 Robert S. Lasnik  
United States District Judge  
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